

**APR 10 2006**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

ALBERTO ALEJANDRO GUERRERO  
LOPEZ,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney  
General,

Respondent.

No. 04-73069

Agency No. A95-445-119

MEMORANDUM<sup>\*</sup>

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted April 5, 2006<sup>\*\*</sup>

Before: HAWKINS, McKEOWN, and PAEZ, Circuit Judges.

Alberto Alejandro Guerrero Lopez, a native and citizen of Mexico, petitions  
for review of the Board of Immigration Appeals' ("BIA") order dismissing his

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<sup>\*</sup> This disposition is not appropriate for publication and may not be  
cited to or by the courts of this circuit except as provided by Ninth Circuit Rule  
36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without  
oral argument. *See* Fed. R. App. P. 34(a)(2).

appeal from an immigration judge's ("IJ") order denying his untimely motion to reconsider its earlier order denying his motion to reopen removal proceedings. We have jurisdiction pursuant to 8 U.S.C. § 1252. We deny the petition for review.

In his opening brief, petitioner does not challenge the BIA's order affirming the IJ's finding of untimeliness, and therefore waives the only issue properly before this court. *See Smith v. Marsh*, 194 F.3d 1045, 1052 (9th Cir. 1999) ("[O]n appeal, arguments not raised by a party in its opening brief are deemed waived.").

**PETITION FOR REVIEW DENIED.**